

From: grish.org
To: Carlos_Sanchez/R6/USEPA/US@EPA
Cc: grish.org; Donald_Williams/R6/USEPA/US@EPA; [Gloria-Small Moran/R6/USEPA/US@EPA](mailto:Gloria-Small_Moran/R6/USEPA/US@EPA); Casey_Luckett/R6/USEPA/US@EPA
Subject: Re: Arkwood Inc./ Don A. Smith and McKesson Corporation
Date: 11/01/2011 03:25 PM
Attachments: [Smith - doc20111027102833.pdf](#)
[Kresse PCP graphs.pages](#)

November 1, 2011

Dear Mr. Sanchez,

Thank you for your efforts on the key, but please don't bother about it any more. I don't want to cause any more waste of your time or your colleagues', especially as you have been very generous to me with it.

Please let me state for the record: Mr. Don A. Smith's letter to you dated October 26, 2011 is objectionable to me because it levels false accusations at my father and at me, is fraught with false statements of fact and misstatements, falsely characterizes my actions and statements and falsely attributes statements to me that I did not utter.

I also state the following for the record only because I feel it is germane to the agenda for our upcoming conversation on the subject of revitalization and return to productive acceptable use for the Arkwood Superfund site (Arkwood), the important matter at hand from which I hope not to be distracted further by McKesson's jousting.

A) I believe McKesson's actions and stated position as taken by its employees and representatives will be a major and unwarranted obstacle to achieving revitalization and redevelopment at Arkwood.

B) I believe the letter dated October 26, 2011, which you received from McKesson Corporation attorney Don A. Smith of Ft. Smith, Arkansas, is more evidence of McKesson's obstructing the proper conclusion of its activities at Arkwood and attempting to prevent the revitalization and redevelopment of Arkwood.

C) I believe McKesson's incentive for such obstruction is that it wants to purchase the Arkwood site for a nominal amount of money by means of simultaneously intimidating the owner, disparaging the value of the Arkwood site, expressing McKesson's intention to prevent any future use of the Arkwood site (and adjacent lands held by Arkwood's owner but never involved in the Superfund action), and actually taking substantial, repeated and sustained action to achieve such intimidation and obstruction, including Mr. Smith's recent letter to you.

Following are several salient examples:

1) In an email to me of November 3, 2005 Jean Mescher states:

"This is way more than I was expecting. This is a nuisance thing for us and nothing more. We already have the contractual agreements in place to eliminate use of these properties pretty much forever unless we released you from the restrictions which we would not do without a serious amount of insurance, bonding or other

financial instrument in place to offset the anticipated environmental obstacles at this site. Our goal was to simple (sic) take title so that the questions about any future use prospective (sic) would be clearly known, i.e. this property will be mothballed well beyond my lifetime. Please reconsider you (sic) offer with this in mind."

(in the above context, Mescher's reference to "properties" includes the previously-mentioned adjacent and uninvolved lands)

2) On December 12, 2005 Jean Mescher stated in writing that Arkwood and adjacent lands had "no possible use in the foreseeable future."

3) On October 31, 2007 Jean Mescher wrote on McKesson letterhead: "McKesson does not consent to cutting of the timber or other use on the adjacent 65 acres. Any changes to the runoff may impact our remedial efforts, in particular the water treatment system, and result in ineffective treatment. Should you choose to cut timber of the 65 acres or disturb the property, we will hold you responsible for any impacts to our remedial efforts and any potential exposure that may occur."

4) On April 9, 2010, in a letter which included McKesson's offer to purchase the Arkwood site for \$25,000, Jean Mescher stated: "McKesson views this property as a liability – not an asset." In the same letter, Mescher states falsely: "Degradation of these contaminants to acceptable levels allowing for use of the Site is not estimated to occur for possibly hundreds of years."

D) I believe that these statements and other written communications by or caused to be made by Jean Mescher as McKesson Corporation's authorized employee are intentionally coercive and intimidating, informing the owner in crystalline terms that McKesson will take action to ensure the owner never has use of Arkwood or adjacent lands while at the same time offering a pittance to take it off the owner's hands.

E) In Mr. Don Smith's letter to you dated October 26, 2011, Mr. Smith states: "McKesson is operating equipment at the site at a cost of \$100,000.00 per year with equipment that has a value in excess of \$150,000.00."

I believe Mr. Smith's above-quoted statement is misleading. The bulk of the equipment operated by McKesson relative to Arkwood in fact is not located on the Arkwood site, but is in fact offsite at New Cricket Spring. McKesson's only equipment onsite at Arkwood is some apparatus injecting plain water into the geology allegedly connected to the offsite New Cricket Spring.

I believe the bulk of the cost McKesson incurs relative to its operations at Arkwood are the salaries it pays to Jean Mescher and the contractors she has hired for those operations.

F) I believe there is no proof that the so-called "pilot injection study" (consisting of the apparatus performing unspecified flushing in one area of the site) has ever had any beneficial effect toward reducing the level of contaminant allegedly detected at the mouth of New Cricket Spring, requiring the indefinite continuance of McKesson's expensive operations at the spring or on the site.

Rather, I contend that the "pilot injection study" has had the opposite effect, if any. The data I have reviewed seem to show either no causal relationship with the onsite

water injection operations or, if any effect can be inferred, it is one of actually exacerbating the condition of water at New Cricket Spring.

In order to determine its actual efficacy – or lack thereof – I have long expressed the opinion that the "pilot injection study" should be immediately terminated, sufficient time allowed to pass to return the natural system to steady state, meaningful data then collected, and finally the efficacy of the onsite water injection operations reassessed at that time, if necessary.

I believe that after water injection at high pressure onsite at Arkwood has been terminated and substantial time thereafter elapsed, the minute levels of pentachlorophenol at the mouth of New Cricket Spring will continue quickly on their path of natural attenuation to consistently undetectable levels, as predicted by the attached graphs supplied to me by Mr. Timothy M. Kresse, Water Quality Specialist, U.S. Geological Survey, Arkansas Water Science Center.

Thank you for your efforts. I hope all of the forgoing, including the October 26, 2011 letter to you from Don Smith, with inform our discussion on November 9, 2011 at Region 6 offices.

Sincerely,

Curt Grisham

attachments

cc: Donald Williams
Gloria Moran
Casey Luckett-Snyder

On Oct 31, 2011, at 6:09 AM, Sanchez.Carlos@epamail.epa.gov wrote:

Mr. Grisham,

I requested a key from Mckesson and on Thursday, October 27, 2011, I received the enclosed letter from their attorney. CAS

Carlos A. Sanchez
Chief, AR/TX Section
Region 6, Superfund Division (6SF-RA)
sanchez.carlos@epa.gov
(214) 665-8507

From: "grish.org" <curt@grish.org>
To: Grish <curt@grish.org>
Cc: Carlos Sanchez/R6/USEPA/US@EPA, Donald Williams/R6/USEPA/US@EPA
Date: 10/28/2011 01:17 PM

Hi Carlos,

Any more you can do on this please?

I'm going to Arkansas after our meeting on the 9th of November; can you authorize my replacing the lock on Arkwood with one of my own? I will immediately send a key to Mescher if you permit me to take this action.

Thank you,

Curt

On Oct 20, 2011, at 4:16 PM, Grish wrote:

Carlos,

I have heard nothing more about the key. Can we cut the lock and replace it with our own, as you said we could when you and I spoke before you sent the below to Mescher?

Mescher's unresponsiveness to your request is a prime example of her obstructing progress at Arkwood. The owner stands to lose a prospective industry occupant for the revitalized Arkwood site because access to the site is denied the owner by McKesson/ Mescher.

Thank you,

Curt

On Oct 6, 2011, at 12:26, Sanchez.Carlos@epamail.epa.gov wrote:

Please provide a key to Mr. Grisham so that he can have access to the Arkwood site. Mr. Grisham needs access to conduct general site visits. The soil/surface cleanup at the site has been completed and there should not be concerns with potential exposure to site contaminants. Thanks CAS

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